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The Role of the Media in the Upcoming Somaliland Elections: Lessons from Kenya


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Abstract

This report explores issues of media policy during post-election violence. We examine the case of Kenya, where 1,133 people were killed after the 2007 elections, to distill lessons for Somaliland's upcoming elections. There are indications the elections in Somaliland will be highly contentious and that the media will have an important role in either exacerbating or alleviating political violence. Indeed this has already been the case. The much-anticipated presidential election has been postponed for over a year and escalating tensions between the government, opposition parties and the population suggest real potential for election-related violence. The media has emerged as a major player in mediating the current political impasse over election registration. And at the same time there have been concerns from both the opposition and government that respectively aligned media are provoking current tensions.

The intended audience for this report is journalists and policymakers in Somaliland as well as concerned international observers. We also expect that the issues drawn out here will be relevant for other countries in the region that are grappling with upcoming elections that have the potential of being highly contentious.

This report makes a number of recommendations for media policies. Depending on when the election will be held, we recognize that it is unrealistic for these to be implemented prior to voting day but we believe it is important, especially in the interest of developing sound institutions, to discuss the issues and debate potential scenarios and interventions. This study is part of a larger project on media and information flows in Somaliland. We have conducted extensive research and organized the drafting of a code of conduct for journalists for the election period and legislation for the allocation of broadcasting time for the state media. From our experience, one of the most valuable outcomes of this effort is an inclusive discussion with stakeholders, and the negotiation of values and priorities during this process.

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The Role of the Media in the Upcoming Somaliland Elections: Lessons from Kenya



Authors: Nicole Stremlau, Matthew Blanchard,
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Media Policy and Elections in Somaliland:

Lessons from Kenya

Table of Contents

Introduction	1
1. Post-Election Violence in Comparative Perspective	3
2. The Cases of Kenya and Somaliland.....	9
2.1 Kenya	9
2.2 Potential Triggers of Election-Related Violence in Somaliland.....	12
3. Media Policy	17
3.1 Monitoring and Regulation of Radio	18
3.2 Public Opinion Polling	20
3.3 Reporting of Election Results	22
3.4 Live Coverage of Violence	24
3.5 The Accelerating Effect of New Technology	27
3.6 Partisan Media and Public Broadcasting.....	29
4. Conclusion and Recommendations.....	34
Appendix I: Information on Somaliland Information Flows Research Project.....	41
Interviews Conducted in Kenya	41
Appendix II: Bibliography	43

For more information, please visit the PCMLP website (<http://pcmlp.socleg.ox.ac.uk>) or contact Nicole Stremlau at nicole.stremlau@csls.ox.ac.uk.

Introduction

This report explores issues of media policy during post-election violence. We examine the case of Kenya, where 1,133 people were killed after the 2007 elections, to distill lessons for Somaliland's upcoming elections. There are indications the elections in Somaliland will be highly contentious and that the media will have an important role in either exacerbating or alleviating political violence. Indeed this has already been the case. The much-anticipated presidential election has been postponed for over a year and escalating tensions between the government, opposition parties and the population suggest real potential for election-related violence.¹ The media has emerged as a major player in mediating the current political impasse over election registration. And at the same time there have been concerns from both the opposition and government that respectively aligned media are provoking current tensions.

The intended audience for this report is journalists and policymakers in Somaliland as well as concerned international observers. We also expect that the issues drawn out here will be relevant for other countries in the region that are grappling with upcoming elections that have the potential of being highly contentious.

This report makes a number of recommendations for media policies. Depending on when the election will be held, we recognize that it is unrealistic for these to be implemented prior to voting day but we believe it is important, especially in the interest of developing sound institutions, to discuss the issues and debate potential scenarios and interventions. This study is part of a larger project on media and information flows in Somaliland. We have conducted extensive research and organized the drafting of a code of conduct for journalists for the election period and legislation for the allocation of broadcasting time for the state media. From our experience, one of the most valuable outcomes of this effort is an inclusive

¹ As this report went to press, the government announced that the elections, most recently scheduled for September 2009, will be further delayed. This makes the issues raised in this report particularly pertinent. On the one hand, the further delay of the elections provides more time to address the issues; on the other hand, it demonstrates that the political environment has become exceptionally intense and potentially explosive, and further heightens the role of the media. In addition to the district elections that determined the political parties, Somaliland has held successful multi-party presidential elections in 2003 and parliamentary elections in 2005.

discussion with stakeholders, and the negotiation of values and priorities during this process.

1. Post-Election Violence in Comparative Perspective

Kenya and Somaliland present very different case studies for the study of post-election violence. Not least of all, Somaliland is an internationally unrecognized state within the borders of Somalia, while Kenya is considered to be one of the continent's economic leaders. Comparatively, Kenya also has more experience with democratic elections and enjoys a more stable past; while Somaliland's recent history (as the state has struggled for independence from Somalia and faced internal conflict) is violent. Their media environments are also substantially different. Kenyans listen to dozens of radio stations and have the opportunity to read a wide variety of newspapers. There is also a comparatively well-funded state broadcaster, the Kenya Broadcasting Corporation. Somalilanders, in contrast, have access to only a handful of private newspapers, and the only domestically-based radio station, the government-run Radio Hargeysa, does not reach far beyond the capital, Hargeysa.

Nevertheless, a comparison between Kenya and Somaliland is useful for several reasons. Both countries must deal with polarized electorates, both have populations with significant political and economic grievances, and both have political parties accused of manipulating the system and its weak institutions to gain power. Additionally, Kenya and Somaliland possess a politically influential media establishment, comprising government-run and private outlets, whose policies and behaviour have a significant impact on the political process. Perhaps most importantly, when developing comparative experiences it is far more useful to distill lessons learned from a neighboring country rather than reaching across continents to the more normative experiences of Europe or America, as is often done.

This report is the product of extensive interviews across Kenya with staff reporters, stringers, news analysts and editors, as well as government and NGO officials in cities, villages and internally displaced settlement camps in the Rift Valley, the area which was most affected by the election related violence.

We recognize that, just as the Kenyan media did not cause the violence in 2007 and 2008, the media policies discussed here are only one component of any effort to prevent violence in

Kenya or Somaliland.² Also, this report focuses on the potential immediate catalysts of violence and the media policies impacting the election process. Our focus on the immediate triggers for violence is most relevant given the fluid electoral climate in Somaliland.

Our related research on the media and election violence in Eastern Africa, as well as an extensive study of the information ecology and communication flows in Somaliland, consider more systemic features and historical processes that we do not elaborate here.

The deeper tensions and challenges faced by both Kenya and Somaliland in terms of economic development, nation-building and contested political power remain. As Anderson and Lochery remind us, the violence in the aftermath of the Kenyan 2007 poll must be seen in the context of the contested nature of land settlement schemes since the 1960s and subsequent political violence. Violence is a process, not an event. Violent acts may be spontaneous, but they are more often the product of a longer sequence of historical decisions and political actions.³

While little has been written on media and election violence in Africa,⁴ there is a rich literature on media and elections, primarily focusing on North America and Europe, and a growing body of literature on elections and violence.⁵

Election violence is not a new phenomenon and violence can be associated with one or more of three election phases: the pre-election phase; the day/s of the election itself; or after the election is held. Violence is typically clustered around the pre and post-election phases as voting day usually proceeds peacefully. It is during the campaigning process and the emergence of results when the likelihood of violence increases.

2 In addition, we do not wish to imply that the only goal for media policy is the avoidance of public disturbance at all costs; history suggests that the ultimate legitimacy of violence varies across situations. We do believe, however, that thoughtful media policy should enable the peaceful resolution of political and social conflict and should, in general, serve to strengthen institutions whilst recognizing that policies cannot be a substitute for effective and responsible leadership.

3 Anderson and Lochery, "Violence and Exodus in Kenya's Rift Valley, 2008," 328.

4 For a bibliography of literature on African elections, see PCMLP and the Stanhope Centre's Workshop on Media and Post-Election Violence in Eastern Africa: <http://stanhopecentre.org/mediapev/>

5 See Hoglund, "Electoral Violence in Conflict-Ridden Societies;" Fisher, "Electoral Conflict and Violence;" Reilly, *Democracy in Divided Societies*; Basedau, Erdmann and Mehler, eds., *Votes, Money and Violence*; Rapoport and Weinberg, eds., *The Democratic Experience and Political Violence*; Wilkenson, *Votes and Violence*.

Similarly, the type of election also affects the level of potential violence. Kenya is representative of a growing trend across Africa whereby multiparty elections are associated with violence. The most recent elections in both Ethiopia (2005) and Zimbabwe (2008) resulted in scores of deaths. These elections in Kenya, Ethiopia and Zimbabwe were relatively competitive, as we expect the Somaliland elections to be, if all parties participate. This constitutes a marked difference with the landslide elections historically common in the region, which are still seen in places such as Rwanda.⁶ Landslide elections may also precipitate violence, but the response is more typically a long-term insurgency. Competitive elections also differ from elections with marked voter apathy, such as Sudan's 1996 election and Ethiopia's 2008 regional elections (we expect the same for the elections in 2010). In such cases, the likelihood of violence is relatively low. The level of competition in an election is a fundamental test for the likelihood of violence, thus making this an important issue for consideration in Somaliland.

Election violence prior to elections can certainly have an impact in shaping the election. Opposition leaders may be imprisoned; parties may be forced to pull out. In some cases, this violence has a lingering effect but at the very least it certainly does not bode well for the election.

Typically, more focus is given to the role of the media in the run-up to, and during, the voting day(s). Laws are often made and the media is monitored specifically for this earlier period. Similarly, election observers often arrive several months before voting day to determine levels of press harassment, media manipulation and the levelness of the 'playing field.' The presence of such observers helps ameliorate pre-election issues. But, barring any immediate problems, election observers typically end their mission with an assessment soon after the official results are announced.

Violence in the post-election phase is often expressed, of course, over outcome and/or process. Citizens take to the streets to protest, and there may be riots or targeted attacks on certain groups. Violence usually reflects deeper grievances—not just the outcome itself—and elements of power, including officials and politicians, are frequently a party or

⁶ President Paul Kagame claimed 95 percent of the vote in presidential elections held in 2003 and all parties which competed in the subsequent parliamentary elections had supported his candidacy. See Reyntjens, "Post-1994 politics in Rwanda."

instigator. In some cases it can also be the form of violence that forces significant changes within a nation or brings it near or even over the precipice of war or government dissolve.

One way of understanding post-election violence and the possible media related imperatives is to look at the variety of immediate contexts. We consider the following to be important:

1. Post-election violence where there is persistent and sustained sense of election fraud;
2. Post-election violence where the outcome is not so contested, but there is a bitter and non-accepting loser. A subset of this is when the government loses (and is surprised and shocked by the result);
3. Post-election violence where the cause of violence is an external or domestic source not immediately participating in the election process (another state, “terrorists”, economic “profiteers” of violence);
4. Post-election violence where the violence is connected to contested legitimacy of the state itself or the failure/weakness of the nation-building process;
5. Post-election violence that is supported or provoked by the government as an excuse for implementing controversial restrictions, consolidating political power or weakening certain communities; and
6. Postelection violence that is pursued by non-state actors (including opposition parties) to economically profit from conflict, consolidate political power or weaken certain communities.

All factors may be present in a particular situation, with some more salient than others; alternatively, just one may be the primary motivator of the violence. These issues will be discussed in the forthcoming case studies.

Turning to the role of the media, Kenya’s media landscape has changed dramatically since the re-introduction of multiparty elections in 1992. The liberalization of radio and television broadcasting set an important precedent for media freedoms. Particularly significant developments since Kenya’s 2002 election were the proliferation of vernacular radio stations since 2003, many of which are privately owned, and the growth in the number of mobile

phone users to more than 13 million. The expansion of such electronic media outlets had an impact on the election in terms of candidates' advertising strategies and voter information.

Kenya's regulatory framework has not been adapted to deal with the new system. The media, and in particular the large number of private radio stations broadcasting in local languages and mass messaging via SMS, have been criticized for their role in inciting violence. A new Media Bill has recently been approved that is seen by some as providing the government with essential tools for regulating the media, but is criticized by others for giving the government excessive power to control content.

Somaliland's media landscape has also changed significantly in recent years. There has been a proliferation of newspapers as well as private television stations. There are currently more than a dozen private newspapers, many of which were started in the past few years. These are predominately political, and all are based in Hargeysa with limited circulation outside of the city. The most influential papers are edited by former Somali National Movement (SNM) fighters and strongly support the independence of Somaliland. They provide a forum for political debate and give extensive space to the opposition whose access to government media outlets is relatively limited.

There are no domestically based private radio stations in Somaliland. Government radio coverage, Radio Hargeysa, is limited to the capital and surrounding areas. There is an opposition radio, Radio Horyaal, that broadcasts from Brussels. In July 2009 the government arrested its news editor and a station manager for reporting on a clan land dispute.

Television has been further liberalized and there are a number of private cable television operators, the most popular of which is Horn Cable TV, run and owned by Farhan Ali Ahmed (a researcher of this report). Preliminary analysis of our research across Somaliland suggests that, at least among elites, cable television is a major source of news and information that is perceived to be reliable. Horn Cable was, however, temporarily closed by the government in July 2009, ostensibly for reporting on the same clan dispute for which the Radio Horyaal editors were imprisoned.

We have identified a number of issues relating to the role of the media and policy that are particularly relevant in thinking through possible tensions during the post-election period. These are the factors we think government policy makers, journalists and politicians should be most conscious of. Discussion of these issues between all parties concerned, and the development of relevant policies, can help in planning for more peaceful resolution of election disputes. We will discuss why each of these issues is important in greater depth in section three.

1. Monitoring and regulation of private radio
2. Reporting of public opinion polling
3. Reporting of election results
4. Live news coverage of violence
5. The accelerating effect of new technology
6. Partisan media and public broadcasting

These six media factors reflect in turn a constellation of systemic factors that this report does not address, two of the most crucial points being the legitimacy of institutions and government responsibility. Other issues include corruption in media houses, tensions between groups in newsrooms, the culture of news and information exchange, ideologies of journalists, poor or unenforceable legislation and media ownership.

2. The Cases of Kenya and Somaliland

This section recounts events during the election period in Kenya with particular reference to the triggers of violence outlined above. We then look ahead to Somaliland's forthcoming poll, analyzing the current political and electoral dynamics in relation to the same set of potential triggers.⁷

2.1 Kenya

Kenyans voted in record numbers in parliamentary and presidential elections on 27 December 2007. The widespread belief that the party of sitting President Mwai Kibaki, the Party of National Unity (PNU), had rigged the election was instrumental in provoking the violence that followed the announcement of election results.

The election was extremely close. In the weeks preceding the Kenyan contest, some opinion polls found less than two percentage points separating Kibaki and opposition leader Raila Odinga of the Orange Democratic Movement (ODM).⁸

Although early election returns gave the opposition ODM a lead of one million votes, the race later narrowed to a tie, and final results announced by the Electoral Commission of Kenya (ECK) put Kibaki ahead by 200,000 votes.⁹ Serious irregularities in vote tallying were reported by election observers and by staff of the ECK. These included a report of 115 percent turnout in the Maragua District, a Kibaki stronghold, and the alleged addition of 25,000 pro-Kibaki votes in the Rift Valley town of Molo.¹⁰

Announcement of the election results was delayed for three days while ECK commissioners wrestled with conflicting vote tallies and an increasingly restive press corps. The opposition

⁷ It should be noted that electoral violence in Kenya and Somaliland has not been confined to the post-election period: in Kenya there were also small bouts of pre-election violence during the voting process. Similar occurrences have already been apparent in Somaliland.

⁸ Kenyan NTV Television, "Kenya: Opposition presidential aspirant Odinga maintains lead in opinion polls."

⁹ Gettleman, "Disputed Vote Plunges Kenya into Bloodshed."

¹⁰ Dagne, "Kenya: The December 2007 Elections and the Challenges Ahead."

complained that Electoral Commission commissioners, of which 19 of a total of 22 were appointed by Kibaki, were doctoring the results, and the final press conference at which results were announced was disrupted by scuffles between opposition party members and the police.¹¹ Nevertheless, the ECK declared Kibaki the winner. Shortly after the announcement, Kibaki attended a hastily-organized swearing-in ceremony, and within 15 minutes rioting was already underway in the slums of Nairobi and cities such as Mombasa and Kisumu. European Union election observers concluded that the Kenyan general election had “fallen short of key international and regional standards for democratic elections,” and provided ample evidence of shifting vote totals that suggested a pattern of abuse.¹²

In subsequent two months of tribal conflict, 1,133 Kenyans were killed and up to 350,000 displaced. Violence was used both between citizens and by security forces against those disputing the election results.¹³ At the height of the violence, youths armed with machetes set up roadblocks on the main roads out of Nairobi and yanked people from their cars.¹⁴ In the Rift Valley town of Eldoret, at least 30 people were burnt alive as they took refuge in a church.

These events were not unprecedented. All of Kenya’s elections since the return to multipartyism in 1991 have been characterized by violence, in which political leaders have frequently been implicated, and many observers saw the 2007 violence as merely an escalation of a slow-burning conflict. Thus, although the recent violence appeared to be of a greater intensity, it was rooted in Kenya’s history of nation and state-building and the historical experience of competitive elections in the country. One example of this is how land grievances fuelled inter-ethnic tension, particularly in the Rift Valley, where longstanding resentment over patterns of settlement and migration date to Kenyan independence in 1963.

A key issue during the campaign period, and one which has recurred throughout Kenya’s post-independence history, was the debate over *majimboism* or ethnic federalism, which was

11 Bloomfield, “Kenya in Flames over ‘Stolen Election.’”

12 European Union Election Observation Mission, “Kenya General Election Preliminary Statement.”

13 “Report of the Findings of the Commission of Inquiry into Post-Election Violence,” 345, 351.

14 Wadhams, “50 die in blazing church.”

endorsed by the opposition ODM. Although the exact implications of the introduction of *majimboism* were not clear, many interpreted it as legitimating the removal of ‘outsiders’ or ‘settlers’ from their land.

The polarization that intensified after the election was apparent during the campaign period. Parties were, as has been the case in the past, largely ethno-regionally defined blocs. Opposition parties were able to capitalize on the perception of some groups—often accurate—that they had been excluded by others from political power; a perception which heightened anger when Kibaki’s retention of office was announced.

When asked what caused the violence in 2007, Kenyans commonly blame deliberate provocation by politicians and the growing class divisions. Various actors in the political arena benefit from such polarization and have stoked it for decades, including through various communication mechanisms. Referring to the inflammatory speech that came from the vernacular radios inciting violence, one journalist noted:

Before the radios, elders and church platforms were used. They would use coded messages. You have to understand the language. It [suspicion] takes time to build... but they were building suspicion, making them feel threatened. It is halfway through creating an army.¹⁵

In the months leading up to the election, leaders in both major parties deployed ethnically-charged appeals during public rallies and in media appearances. These statements appear to have set the tone for more intense forms of hate speech disseminated by SMS text campaigns and in vernacular language radio broadcasts.¹⁶ This is a major issue as many media outlets are owned by politicians- including radio stations in the Rift Valley that have been accused of hate speech. In addition, in recent years the Mungiki, a political-religious criminal organization claiming to express Kikuyu traditions, has been terrorizing Kenyans. There is ample evidence to link this gang, often referred to as a mafia-type organization, to some politicians. During the violence in 2007 and 2008, the Mungiki targeted Luos in the Rift Valley. This type of violence is increasingly common in Kenya and represents a dangerous nexus of economic, political, and ethnic violence. Undoubtedly it poses a significant

¹⁵ Interview: Samuel Muhunyu

¹⁶ Various interviews with Kenyan elites; see also *IRIN*, “Kenya: Spreading the Word of Hate.”

challenge to the stability of the state; if the coalition government fails and violence spreads, as many predict, this form of terrorism will certainly have contributed to the dissolution of the state.

2.2 Potential Triggers of Election-Related Violence in Somaliland

Somaliland's multi-party elections have been contentious. In 2001, Somalilanders voted on a constitution that both reaffirmed Somaliland's independence, initially declared when the Somali Republic collapsed in 1991, and allowed for competitive elections. Many expressed concern that this new political system would fail to recognize the importance of the clan in politics, and traditional leaders were nervous that they would be marginalized. President Cigaal recognized these challenges and forcefully argued that "we could only be accepted as a member by the world community if we move to a new stage of nationhood... The international community does not recognize congregations of clans, each remaining separately independent."¹⁷ Many Somalilanders were justifiably concerned that multi-party politics would threaten rather than reinforce the peace for which they had fought so hard.

As with the 2003 and 2005 contests, the upcoming poll is limited to three recognized parties: the incumbent United Democratic Peoples' Party (UDUB), the main opposition party Kulmiye, and the Party for Justice and Welfare (UCID). Although this three-party policy is controversial among some sectors of Somaliland society for limiting avenues of political participation, it was developed amidst concerns that a proliferation of parties would result in high levels of political violence, as experienced in the 1960s.

The 2009 elections have been repeatedly delayed for numerous reasons but particularly due to challenges in the voter registration process. Somaliland's three political parties and the National Electoral Commission (NEC) have come together under intense public pressure to extend the president's term. The most recent agreement endorsed the resolution of the Somaliland House of Elders delaying the presidential election for one year, until 27 September 2009, and extending the incumbent's term in office until 29 October 2009. In early September, however, the government announced that the poll has been further

¹⁷ Bryden, ed., *Rebuilding Somaliland: Issues and Possibilities*: 16.

delayed; no date has yet been set. This has provoked frustration and anger among some Somalilanders, particularly those that support the opposition. It has also led to one of the most formidable constitutional challenges Somaliland has faced since declaring independence.

The ambitious campaign to register all eligible voters, heavily supported by donors, was intended to minimize the potential for double-voting, but it has also led to distrust in the entire voter registration process. By international standards, registration has been thorough and includes a biometric system with a database registering fingerprints, photographs and personal details. Undoubtedly the use of such advanced technology has also had drawbacks. After the October 2008 bombing by Al Shabaab, the foreign staff that was in charge of running the computer equipment for the registration pulled out, severely delaying the registration process.

Further complications have included fraudulent registrations, extensive equipment failure and delays due to efforts to change the technology to address shortcomings. As the Somaliland Parliamentary Election International Election Observation Pre-Election Assessment notes, “the extent of both fraudulent and non-fraudulent problems in registrations exceeded even pessimistic projections.”¹⁸ Some critics have argued that by implementing the most advanced voter registration process on the continent, the quest for perfection has obscured what is most feasible and thus best in present circumstances.

As it is clear that the voter registration process will not be completed in time for the September elections, President Riyale has said that the elections will go ahead without the completed voter registration rolls. Donors have made strong demands that the NEC has to be reformed before the election occurs, and indeed many Somalilanders have criticized the competencies and biases of the NEC. Opposition parties have said they will boycott unless their demands are met, and it is likely that the elections will be delayed further beyond September.¹⁹

18 International Republican Institute, “Somaliland September 29, 2005 Parliamentary Election Assessment Report.”

19 If the elections were to be held in 2010, it would mean a fourth election that year. Three are already scheduled: for the House of Representatives, the *Guurti* (the House of Elders, whose four-year extension is coming to an end) and local council elections which have already been delayed for three years.

The opposition has decried the administration's use of government resources, such as the state-owned Radio Hargeysa, to promote Riyale's reelection. Throughout negotiations, some of the key demands made by the opposition have related to the introduction of a regulatory structure governing access for all political parties to national radio and television and the prevention of use of public money to fund governing party campaigns. Whether due to bias or incompetence, the NEC's failure to guarantee a level playing field to all parties in the election could lead to violence by supporters of Kulmiye in the event of a Riyale victory.

Despite the rigorous registration effort, the perception that the government has engaged in vote rigging may be enough to trigger violence. The NEC is not regarded as a neutral arbiter, in part due to its composition: of seven members, five are appointed by institutions closely tied to the current president. As such, it is unlikely that it can serve its role effectively mediating between parties. In addition, because it has become so politicized recently, the NEC is also regarded by many as lacking the necessary competence to run the elections.

Similar to Kenya, most observers predict that Somaliland's upcoming poll will be close. This is not surprising as it is the second time the two main competitors have met. In 2003, a mere 80 votes separated President Riyale from his challenger, Ahmed Mahamoud Silanyo, leader of the opposition Kulmiye Party. As in the Kenyan case, the final vote count in 2003 was delayed for three days, during which some senior Kulmiye leaders rallied supporters outside the NEC and unilaterally declared an opposition victory. Silanyo conceded defeat following intense mediation, and after the Supreme Court ruled in Riyale's favour, stating that he did not want to take Somaliland into a civil war.

As Silanyo is nearing 80, and this is the last time he will be running, there are real concerns that he and his supporters will not be so willing to cede ground in this election. While it is sensitive to discuss, clan loyalty matters deeply and since Silanyo's subclan, the Habar Jeclo, have never ruled the Somaliland, there appears to be a feeling among some that it is their turn to lead.

Somali observers do not expect any election-related violence to be explicitly clan-based in terms of the targeting of civilians based upon clan membership. Conflict is more likely to be between supporters of the opposition party and state security forces. Nevertheless, some

Somalilanders we interviewed expressed concern that both the government and opposition parties might manipulate clan sentiments in desperation. In terms of Kulmiye involvement, a general feeling that has been expressed is that violence will unlikely be directed towards individuals of a clan but rather expressed towards a government. This is most likely to happen in Kulmiye strongholds such as Burco. An initial period of violence could, however, lead to a wider conflict.

Just as Kenya faced pre-election tensions, the contending forces in Somaliland have also engaged in physical confrontations. The legislature's repeated postponement of the presidential election inspired street rallies by the opposition Kulmiye party. In the capital, Hargeysa, a rally at Kulmiye headquarters became a protest march, which was broken up when police fired weapons to disperse the crowd. In Burco, police attempted a raid of Kulmiye's local headquarters, firing live ammunition into the building. The operation was unsuccessful, however, and police retreated in the face of an angry local population.

Some see these moves by the government as deliberate provocations, aimed at inciting the opposition to violence in order to justify further crack-downs or even another election postponement.

The government has already shown a willingness to mobilize state resources, including the state media, for domestic political ends. Critics have accused Radio Hargeysa, *Mandeeq* and Somaliland National Television of serving as a platform for government attacks on the opposition. In addition, the use of state-owned vehicles and state employees for partisan campaigning is already a major concern.²⁰

There have also been concerns that the private press has been exacerbating a tense situation and has been heavily provocative towards the government, using language that has at times verged on hate speech. After the Kenya study tour that generated this report, for example, the editor of *Haatuf* noted that his colleagues on the paper had recently published cartoons that "went too far" and had uncomfortable similarities with some of the messages in Kenya.

A repeat of the October 2008 bomb attacks by Al Shabaab or other parties seems unlikely to trigger inter-communal violence in Somaliland, and may, as is often the case, forge a

20 Somaliland Independent Scholars Group, "Implementing the Mediation Committee's Recommendations," 5.

temporary sense of unity. However, new terror attacks could have major implications for the electoral process. First, terrorism may force the evacuation of foreign election observers, which could weaken the perceived legitimacy of the election. Second, terror attacks could be employed as a justification for further postponement of the election.

3. Media Policy

We turn now to examine media policy and the role of specific outlets in fomenting the violence in Kenya, and explore the possible implications of the Kenyan experience for Somaliland.

Our focus in this section is on media outlets such as newspapers, radios and television and new media such as mobile phones.²¹ By no means do we contend that this is a comprehensive mapping of the media sector or its role in provoking violence. In fact, much of our research in Somaliland demonstrates the importance of spaces and methods such as tea houses, mosques and word of mouth in shaping opinion. There are many examples, most of which are the key defining moments in Somaliland's history, where religious and traditional leaders have been responsible for either inciting or mediating violence.

As stated previously, the Kenyan media certainly did not cause the crisis in 2007.²² Nevertheless, the media, together with government policies and interventions, exacerbated a volatile situation. It is difficult to talk of 'the media' as the sector is extremely diverse and different outlets responded in different ways. Perhaps the greatest show of unity came on 3 January 2008, when *The Nation* and *The Standard* published a common editorial headlined, 'Save Our Nation.' This phrase was subsequently echoed across television and radio coverage and the editorials were broadcast by radio stations. However, this should not obscure the significant divisions between and within media houses.

There is also no consensus on the role of the media. Government figures have spoken of "rogue media," and blamed the publication of inflammatory photographs for escalating the violence.²³ Media freedom watchdogs, in contrast, have criticized the Kenyan press for

21 In many other countries, new media platforms such as Twitter are playing a clear role in mobilizing the population. This has not yet been the case in Kenya or Somaliland.

22 Much has already been written about the Kenyan media's role in the 2007 violence. See, for example, Ismail and Deane, "The 2007 general election in Kenya and its aftermath;" *BBC World Service Trust*, "The Kenyan 2007 elections and their aftermath;" Osborn, "Fuelling the Flames;" Rambaud, "Caught between information and condemnation."

23 *BBC Monitoring Africa*, "Kenyan government slams donors, media, civil society for stoking 'tension.'"

submitting to a government ban on live coverage, and for underreporting the unfolding political crisis in their anxiety to “calm passions and encourage reconciliation.”²⁴

Somalilanders are only just beginning to think about the policy implications for the media during elections. This is extremely important and cannot be overemphasized. Significant benefits can be obtained even from discussion of possible eventualities and consideration of a range of approaches. Given the constraints of capacity and the limited time available, it is unlikely that serious policies will be made regarding the following issues. Therefore, emphasis should be placed on sensitization and generating awareness among journalists, political parties, the government, businesses and the population as a whole of the role of media and government regulation in the electoral period.

3.1 Monitoring and Regulation of Radio

While mainstream English and Swahili-language radio was generally not inflammatory during the election period, the same cannot be said of Kenya’s many vernacular language radio stations broadcasting in Luo, Kikuyu, Kalenjin and other local languages.²⁵ On these stations, callers to live radio shows were heard exhorting thinly veiled hate speech such as “cut grass” and “get rid of weeds” or to drive out “settlers.” Each of these is a thinly veiled reference to other groups. Songs broadcast on vernacular stations referred to members of other ethnic groups as “beasts” and “baboons,” and to candidates as murderers.²⁶ Thus, hate speech in the Kenyan election period consisted of both overt incitements and more subtle, metaphoric epithets intelligible only to speakers of individual vernaculars.

The inflammatory rhetoric of Kenyan vernacular radio stations has led to proposals to ban them outright, mostly based on the reasoning that their narrow linguistic audiences encourage division, and that the diversity of their dialects makes them hard to monitor. At the same time, supporters of vernacular radio counter these claims by arguing that the stations give voice and transmit important information to rural Kenyans in their local

²⁴ *Reporters Sans Frontiers*, “‘How far to go?’: Kenya’s media caught in the turmoil of a failed election.”

²⁵ *IRIN*, “Kenya: Spreading the Word of Hate.”

²⁶ *Ibid.*

language. Radio reporter Samuel Kimani, for example, argues that the radio stations had ‘teething problems’: “We had a muzzled media so when we let them free, they don’t know which way to go. But the vernacular radios have an important role in sustainable development. We could choose to harness it positively.”²⁷ But his colleague, George Olde Sayagie, *The Nation’s* correspondent in Molo, argues that vernacular radio should be banned. He said that Kenyans must “act from the experience. It might be a teething problem, but it could be a teething problem forever.... Everyone is fighting for survival. Why do we need traditional radios? It is the misuse of the tool. It is the tool we have but it should be banned because we cannot use it right. It is owned by these politicians.”²⁸

Somaliland has no vernacular language radio stations, but the Kenyan experience suggests the importance of sustained discussion of new policies to accompany moves to allow private radio stations. While this report does not support a particular position, preliminary data from our ongoing Stanhope-PCMLP research project on information flows in Somaliland suggests that Somalilanders themselves are divided. It is not only the government that is reluctant to liberalize the airwaves; many citizens are afraid that such a move would divide the population and jeopardize the fragile peace they have achieved.

The example of Kenya’s vernacular radio also raises serious concerns about professionalism. Whether they support or decry local language radio, the Kenyans we interviewed unanimously faulted radio hosts, most of whom were not trained journalists. As one reporter explained:

Radio stations employ entertainers, not journalists. They were unable to control people who call into their shows and spew tribal hatreds. The moment politicians realized they could penetrate the tribal airwaves and push their agenda, they took advantage of it.²⁹

At times, these failures of professionalism occurred because personnel were often under heavy pressure to put forward a particular agenda. Those who did not cooperate were in

²⁷ Interview: Samuel Kimani

²⁸ Interview: George Ole Sayagie

²⁹ Interview: Steve Gatheru

some cases held hostage in the station, forced to hide in their homes, or driven to flee the area altogether.³⁰

In Somaliland, professionalism in the media is an even more serious problem. Preliminary findings from our research indicate that a perceived lack of professionalism is the single most common complaint about the state of the country's media, and Somalilanders feel that addressing this is a priority in improving the media scene. Professionalization and institutionalization of media organizations is a long-term project, but it is possible to sensitize journalists to this issue. In many cases, discussing and debating the issue can be as important as implementing policies. Remarks bordering on "hate speech" are also as likely to come from the state-run media as from any other source. According to Abdi-Fatah Eideed, Assistant Editor of *Haatuf* newspaper, there was a recent political controversy when Radio Hargeysa broadcast commentary during which one speaker advised members of a certain clan to leave the capital.³¹

Due to the limited number of traditional media outlets (radio, television and newspapers) and the fact that all media is in one language, some form of media monitoring to prevent hate speech is possible in Somaliland. This was significantly more difficult in Kenya given the large number of outlets.

3.2 Public Opinion Polling

Reporting of public opinion poll results was prominent in coverage of the Kenyan election campaign. The Kenyan public, which had only experienced three previous presidential elections in the era of multi-party democracy, had its pulse taken by a variety of polling operations: The Steadman Group, Infotrak Harris, Strategic PR, and Consumer Insight, as well as a range of party-affiliated pollsters.³² According to George Kegoro, secretary of the Commission of Inquiry into the Post Election Violence, the result was the onset of an "opinion-polling culture" across the country, in media houses and on radio stations.

³⁰ Interview: Mitch Odero

³¹ Interview: Abdi-Fatah Eideed

³² "Opposition presidential aspirant Odinga maintains lead in opinion polls" NTV news report, Dec. 14 2007, reprinted by *BBC Monitoring Africa*.

“Officially all the political players would show contempt for opinion polls. But as the results appeared, everybody started getting glued to them,” Kegoro said. “As [the election] was going to the wire, the country stopped every Friday to see what the polls would be. This was a key part of election fever.”³³

Questions arose, however, about the accuracy of some Kenyan polling. One man we spoke to, the former information officer of a provincial government, described survey practices that were hardly scientific, and included polling firms paying people to forge hundreds of poll responses: “Some pollster would call my office and ask my opinion. Then he would say ‘Can you get me a few young guys?’ And they would have these guys fill out 200 surveys, and then they’d get back on the bus to Nairobi.”

Crucially, the pre-election polling consistently showed Odinga leading Kibaki in the final weeks.³⁴ This gave opposition supporters the sense that victory was inevitable. This was to be suddenly contradicted when Kibaki was announced the winner. The polls may have been mistaken or the public mood could have easily shifted, as is often the case, or the election may indeed have been stolen. Whatever the reality, the discrepancy between polling and outcome was a major catalyst for the violence that followed.

Somaliland has no public opinion polling institutions that even approach the level of scientific rigor claimed by pollsters in Kenya. There are, however, many predictions of poll results and much ad hoc polling, particularly by the media. The regulation of broadcasting and publication of these unscientific poll results in the period immediately preceding the election and of exit polling demands attention. Research in other countries has shown that consumers tend to accept polling results no matter how tenuous the methodology. Kenya’s experience suggests the outcome of this can be disastrous. Extreme caution should be exercised with regard to unscientific election predictions that claim to be authoritative.

³³ Interview: George Kegoro

³⁴ When the gap narrowed, as it did prior to the elections, it was also common for ODM supporters to claim that the Steadman Group had been politically compromised. The November 16 poll, for example, generated huge controversy, with some Kenyans thinking that the government was threatening the group. Consequently, prior to the elections many rumours circulated that questioned the credibility of Steadman’s polls (Osborn, “Fuelling the Flames,” 319).

3.3 Reporting of Election Results

In Kenya, two major failures in the reporting of election results emerged; one on the part of the Kenyan media and the second involving the government. Both of these had implications for the violence that ensued.

The news media has been criticized for broadcasting unverified election results. According to testimony before the Kriegler Commission investigating the conduct of the election, radio and TV stations aired vote counts provided by the competing political parties and released partial results from individual polling stations where early returns favoured Odinga. “We have witnessed cases where some media houses were releasing unverified results that may have misled the public to believe there was rigging,” one local government official told the commission.³⁵ This appears to have been particularly true of the local vernacular stations.

Simon Mbugua Njoroge, a veteran freelance reporter for *The Nation*, *The Standard*, and Citizen TV in Nakuru, argued that vernacular radio stations in particular took to broadcasting results from polling stations in their home region with no explanation that the numbers did not reflect national results.³⁶ “The leaking of early vote totals convinced supporters that they had won. Once that perception is entrenched, it leads to violence when someone else wins,” Njoroge said. “Media is supposed to have access to all polling stations, but you cannot report results that are not official.”³⁷

Those who believe there was extensive vote rigging by the Kibaki camp, however, credit the reporting of partial results for alerting Kenyans to the fact that the election was being stolen.³⁸ Reporters collecting vote totals at the precinct level could double-check numbers released by the central ECK in cases where fraud was suspected. The European Union team monitoring the election has indeed documented persuasive evidence that suggests the election was either stolen outright or seriously flawed.³⁹ There is an important difference, however, between using partial results to double-check official numbers and presenting

35 Musembi, “Live TV coverage of Kenyan polls blamed.”

36 Media outlets in the United States and elsewhere routinely broadcast partial election results, but this is done with the caveat that the numbers reflect only a certain percentage of “precincts reporting.”

37 Interview: Simon “Ben” Mbugua Njoroge

38 Rhodes, “In Text-Message Reporting, Opportunity and Risk.”

39 European Union Election Observation Mission, “Kenya Final Report.”

those partial totals to the Kenyan public as evidence of a landslide. The former is responsible journalism, whereas the latter is not, and is considered by Kenyans we interviewed to have contributed to the chaos.

A second misstep in the reporting of election results, for which it is difficult to allocate blame precisely, occurred at the crucial moment when the ECK announced results on 30 December. After three days of delays and rising tension over suspected voting irregularities, the ECK called a press conference at the downtown Kenyatta International Conference Centre (KICC). According to press reports, it deteriorated into a brawl between police and representatives of the opposition:

Opposition leaders began shouting. The soldiers pounced and the room erupted into chaos, with men in suits fleeing, chairs getting knocked over and the election chairman making a hurried exit with a crowd chasing him, yelling: 'We want justice! Kenya has spoken!'⁴⁰

The ECK quickly reconvened to announce Kibaki's victory, but this time barred all private media from the conference center. Only the state-run broadcaster, the Kenya Broadcasting Corporation (KBC), was permitted in the building.⁴¹ All other stations had to relay the press conference from a government feed. These events had two major results: first, the spectacle of political leaders brawling over the election results pushed those in the streets closer to violence; second, the subsequent exclusion of independent media from the vote tallying center confirmed for many the suspicion that the ECK was tampering with the count. Whatever the government's reason, ejecting reporters from the conference center was interpreted as confirmation that the ECK was not transparent.

In Somaliland, providing the public with accurate, transparent election results will be crucial for the upcoming election. Because the election is expected to be close, it is highly likely that this will prolong the time it takes to count and certify the vote. During this period, media outlets should agree not to report partial, unverified or misleading vote totals. In return, the NEC should pledge to give the media free and unfettered access to monitor NEC activities in

⁴⁰ Gettleman, "Disputed Vote Plunges Kenya into Bloodshed."

⁴¹ BBC *Monitoring Africa*, "Media barred at announcement of Kenyan presidential results."

polling stations and at the main counting center. Such an agreement could help prevent the gratuitous chaos of the Kenyan election.

3.4 Live Coverage of Violence

Immediately after President Kibaki's swearing-in on 30 December, the administration's Internal Security Minister issued a blanket ban on live television broadcasts and radio call-in shows, "in the interest of public safety and tranquility."⁴² The decision of the Kenyan government to ban live coverage has been highly controversial and our informants were divided over whether it helped to cool tensions or further provoked opposition supporters.

This has important implications for Somaliland as this is a policy eventuality that should be discussed prior to the election rather than determined in the midst of high tensions. The Somaliland media do not have the capacity for live television broadcasts as all material must first be taken to the studio, but how material is aired, which images are shown and with what, if any delay, are all critical questions.

The rationale of the Kenyan government in introducing restrictions, explained to our research team by the government's Director of Information, Ezekiel Mutua, was that live coverage from the streets was allowing inflammatory images to reach the entire nation and had the potential to spark a chain reaction. "At the height of the violence the government had to take action," Mutua explained. "If I am a Kikuyu and you show me images of someone hacking my brother apart, what am I going to do? ... We didn't say you can't cover it. We only say delay it... Delaying the news is sometimes a professional responsibility. We empowered editors to determine what goes to the public."⁴³ Some journalists from private papers, particularly those based in the Rift Valley, agreed that the ban was the correct move. As George Ole Sayagie, *The Nation* correspondent in Molo, argued:

I was evading a lot of things. That massacre of 14 people, if it came to the TV live it would have been another issue. The police took out the bodies without

⁴² BBC *Monitoring Africa*, "Kenyan radio, TV struggle with government curbs."

⁴³ Interview: Ezekiel Mutua

heads. I left, I fled to Nairobi. When we started giving live coverage it was wrong. The media owners liked it... but the ban came too late. It should have come sooner. It came after 1 ½ weeks which was too late. They should have stopped it immediately.⁴⁴

Mitch Odera, former head of Kenya's Media Council, also argued that "delayed transmission is better," as it allows one to "edit the language."⁴⁵

However, it should be noted that the sudden imposition of the ban on live broadcasting interrupted coverage of a press conference opposition leader Raila Odinga was giving at that very moment. This immediately raised suspicions.

Additionally, the ban affected more than live coverage. According to Macharia Gaitho, chairman of the Kenya Editor's Guild, the ban threw media houses into confusion. The loosely-worded order was open to multiple interpretations, and media owners, most of whom were worried about losing their broadcasting licenses, reacted by freezing all news coverage. This further destabilized the country:

There was a lot of uncertainty, especially with the initial ban, which even banned live news broadcasts from the studio. Before the clarification came, all the TV stations just went off air and stopped broadcasting politics.⁴⁶ It was crazy.... It actually made things worse because the moment live broadcasts went off air, there was that dearth of information, people had for a time no idea what was happening. They had no idea whether there had been a coup. They had no idea whether there are riots in the streets of Nairobi.⁴⁷

Odera, of the Kenya Media Council, agrees: "[The government] was setting the rules, but a standard for what was appropriate did not exist. No clear standard was provided. It was going to mean literally not covering public functions at all."⁴⁸ Attempts to restrict the media

⁴⁴ Interview: George Ole Sayagie

⁴⁵ Interview: Mitch Odera

⁴⁶ NTV, KTN & Citizen all had only light coverage of the violence. Capital FM radio, a leading private station in Nairobi, aired music instead of its usual top of the hour newscasts (*BBC Monitoring Africa*, "Kenyan radio, TV struggle with government curbs").

⁴⁷ Interview: Macharia Gaitho

⁴⁸ Interview: Mitch Odera

also quickly became rallying points for the opposition as they argued it was apparent proof of government malefaction.

Reporters Without Borders denounced the ban immediately, saying it “could result in the streets being ruled by rumor and disinformation.”⁴⁹ Many journalists felt that the ban generated suspicion that the media was aiding a government cover-up. Yet even critics of the ban agree the graphic images of violence being broadcast nationwide had to be addressed. As a reporter from the Rift Valley told us, “It is easy for some to criticize the government for shutting down the broadcasts. But I can tell you that the sight of Kenyans bloodied, carrying their luggage, fleeing their houses, raised many emotions. Control of these pictures from the flashpoint helped cool things down.”⁵⁰

It is unlikely that Somaliland will have many international journalists covering the election, but one irony of the ban in Kenya was that many viewers and even local broadcasters supplemented their coverage with material from the BBC, CNN, and Al Jazeera. As Peter Oriare stated, the foreign media outlets were not squeamish about showing graphic images: “burning houses, scared people on the move, and even people hacked to death.”⁵¹

The live coverage ban was challenged in editorials and in court, and was withdrawn on 4 February 2008. There is little doubt the ban was a heavy-handed move on the part of a government whose credibility was already highly compromised, but assessing its merits is problematic, as it is difficult to determine whether the violence would have been worse without such restriction.

Should events turn violent in Somaliland, the government and media houses will face a tough choice whether to take similar measures and for how long. Because the main television and radio stations are state-controlled, there will be a strong temptation for the government to downplay election-related violence, and we may see officials offering the same rationales about protecting the public from graphic images.

In a best case scenario, Somalilanders would follow the lead of the media managers in Kenya, both owners and editors, who instituted voluntary agreements (1) not to publish or

⁴⁹ *BBC Monitoring Africa*, “Kenya: World media freedom body decries ‘Climate of fear.’”

⁵⁰ Interview: Steve Gatheru

⁵¹ Oriare, “I Accuse the Press.”

air graphic images and (2) not to cast news stories in terms of clan divisions. These agreements were reached without government interference. Somaliland journalists and media owners tend to be relatively sensitive to reporting on clans and violence. The government must also be aware that poor government propaganda can inflame tensions and even provoke violence. Media consumers can become angry when the government appears to be telling them everything is fine and present a reality that is significantly different from the one they are experiencing.⁵²

Perhaps the greatest challenge would be if the government did impose a ban on certain images of violence and it was poorly articulated, communicated and implemented. Similarly, there are potential tensions regarding regulation and how other media outlets that are more popular, such as Horn Cable TV, would implement such policies.

It is, however, absolutely imperative that the government, journalists, media owners and political parties reach an agreement prior to the election regarding what approach media outlets should take to covering disputes.

3.5 The Accelerating Effect of New Technology

Beyond the radio and the press, significant concern has been raised about the role played by communications technologies such as email and SMS text messaging, relatively new additions to political communication in Kenya. The use of SMS in election periods, often coupled with violent protests, has been an increasingly apparent global phenomenon, most recently seen in Iran in June 2009. In Africa, Ethiopia's 2005 elections are an example where the government was highly sensitive to the use of text messaging in organizing protests in support of the opposition. As a consequence, the SMS service was shut down for a year and a half. The 2007 Kenyan elections were the country's first where this technology was widely available.

While mobile phones can be used for election monitoring and the verification of results, including obtaining up-to-date provisional results, in the case of Kenya, George Kegoro, of

⁵² This was, for example, an issue in the post-election violence that followed Ethiopia's 2005 elections.

the Commission of Inquiry into the Post Election Violence, argues that most Kenyans believe these benefits were overshadowed by the role played by mobile technology in spreading hate speech, particularly after polls closed.⁵³ UN reports concur, noting that SMS was vigorously employed in campaigns to “spread the word of hate.”⁵⁴ It was also effective in spreading rumours, which often confused fact and fiction, and in mobilization for protests.

It is difficult to say that new technology such as SMS fundamentally changed the nature of the elections, or subsequent protests, but it certainly accelerated existing trends and facilitated the spread of rumours and hate speech. This is not to say that the technology changed the message itself. Rumours have always been part of the political landscape but it is now far easier for local rumours to go national in minutes.⁵⁵

Part of the power of texting lies in its perceived anonymity. As one Kenyan blogger lamented, anonymous messages spread rapidly among Kenya’s 9 million cell phone users: “One person sends it to five, those five send it to 20, those 20 send it to 100, and so it spreads... It is more dangerous because there is more stealth to it. It is not done in the open, it is done in secret, making it harder to put an end to.”⁵⁶

SMS is far less popular in Somaliland than in Kenya. Somaliland is an oral society and our research has shown that there is a tendency for Somalilanders to pick up the phone and call family and friends rather than send messages via text. Text messages are, however, being used to threaten journalists, particularly by Al Shabaab and other extremist elements. While these are unlikely to have an impact on the election process, businesses have, however, been experimenting with sending out mass messages advertising products. This could be employed as a mechanism to encourage peaceful resolution and quell rumours. Because Radio Hargeysa does not have national coverage, SMS could be a way for the government to directly communicate with Somalilanders beyond the capital in the eventuality of tensions.

53 Interview: George Kegoro

54 For example, the following message was circulated: “We say no more innocent Kikuyu blood will be shed. We will slaughter them right here in the capital city. For justice, compile a list of all Luos and Kaleos [two tribes associated with ODM] you know at work, your estate, anywhere in Nairobi, plus where and how their children go to school. We will give you a number to text this info” (*IRIN*, “Kenya: Spreading the Word of Hate”).

55 Osborn, “Fuelling the Flames”, 316.

56 *BBC Monitoring Africa*, “Kenya: Mobile phones’ messages of hate.”

In Kenya, officials considered shutting down the nation's SMS system but decided against this, concluding that it could increase panic levels.⁵⁷ It would make sense for Somaliland's mobile phone operators to consider how to trace and identify sources that might be sending out mass SMS messages that include hate speech. Of course defining what such hate speech includes is a major challenge that has yet to be sufficiently addressed in Somaliland.

In Kenya, tracing the originators of hate speech has been complicated. Under extant regulations a phone, SIM card and airtime can all be purchased without revealing one's true identity. In some cases, however, major cellular companies such as Safaricom and Zain (Kenya's two largest) can trace the origin of a particular text message. In the months since the disputed elections, police have compiled list of more than 1,700 individuals suspected of creating or forwarding SMS messages to incite ethnic violence. Yet prosecutions are stymied by the fact that Kenya has no law governing hate speech over mobile phones, radio and television. "We don't have the law, a content law; that is what we are working on now," Kenyan Information and Communications chief Bitange Ndumo told *The Nation* newspaper. "We liberalized the airwaves before we had it."⁵⁸ At the time of writing, parliament was working on a controversial bill that would force service providers to register names of all their subscribers in a database, empower police to arrest those misusing the service, and bar underage children from owning and using the handsets.⁵⁹

3.6 Partisan Media and Public Broadcasting

The political partisanship of the media, which in normal periods might not be a source of tension, can be provocative. There are two examples from Kenya that are highly relevant for Somaliland: provocative claims of "neutrality" from news organizations that were perceived by the public to be obviously biased, and the failure of the public broadcaster to provide even-handed coverage.

⁵⁷ *Daily Nation (Kenya)*, "Hate Speech SMS offenders already tracked."

⁵⁸ Ibid.

⁵⁹ *Daily Nation (Kenya)*, "Law to curb phone misuse on the way."

Media houses in Kenya are owned by politicians who have varying economic and land interests, however, as a rule Kenyan media outlets do not publish American-style candidate endorsements. Many Kenyans we interviewed felt that this aversion of media houses to endorsing a particular candidate was counter-productive, in part because the paper's bias clearly finds its way into news coverage. Such bias in the election was often quite subtle. As George Kegoro noted, when meetings or crowds were filmed, sometimes the image would suggest that the crowd was too large to fit into a frame, whereas in other cases cameras focused on sparser parts of the crowd. As always, it is difficult to tell whether this was deliberate.⁶⁰ In print media, savvy readers look to the byline to ascertain the perspective of the article on the basis of the author before reading it.

Were news outlets to openly endorse candidates, as is common practice in the United States and Italy, reporting may be less controversial to some extent. This dilemma is pertinent to the media, and in particular the printed press, in Somaliland, which is largely seen to be politically aligned. This also touches on deeper questions of what type of media system is most feasible and reasonable to expect for countries such as Kenya or Somaliland. There is a tendency by international supporters and advocates to push for the 'liberal model' common in North America or Northern Europe. But a polarized, partisan media system as seen in Italy and other Southern European countries is often more realistic. This should not necessarily be regarded as problematic, as long as the partisanship is transparent.

This debate is further complicated by questions over the role of the state broadcaster. KBC played a key role during the elections in Kenya and it is likely that the government media in Somaliland will do the same, although to a lesser degree, due to their more limited reach over the country.

Since its founding, KBC has largely served as a government mouthpiece. Although there have been brief periods of hope that the KBC would evolve into a high-quality, fully-independent public broadcaster, this is unlikely in the near future. Such transformations, although often aspired to, have rarely been achieved in Africa.

⁶⁰ Interview: George Kegoro

Section 8 of the Kenya Broadcasting Corporation Act requires that the KBC “keep a fair balance in all respects in the allocation of broadcasting hours as between different political viewpoints,” and allocate free airtime to political parties during an election campaign.⁶¹ This was not implemented during the 2007 elections. The European Union election monitors, for example, found that KBC radio and TV airtime was heavily skewed towards President Kibaki’s PNU, which received 5 to 7 times more coverage than its major rival, ODM.⁶² The media monitors concluded that “KBC’s coverage demonstrated a marked failure to fulfill even its minimal obligations as a public service broadcaster set out in the Kenya Broadcasting Corporation Act.”⁶³

KBC staff members see another side to the story. Radio Programmes Manager Anthony Wafula, acknowledged that KBC has a “long road to travel” before earning public trust. But Wafula attributes the trust deficit not to biased coverage but to an entrenched misperception among the public that “nothing good comes out of a government institution.”⁶⁴ This perception was reinforced when the Electoral Commission chose KBC as the sole station to broadcast news of Kibaki’s victory, adding to a sense of collusion between PNU and the KBC. Wafula rejects the accusation that politicians dictate KBC coverage, saying: “For some reason people have always believed we are biased, that we can never come out with a story

61 Kenya Broadcasting Corporation Act, Section 8, paragraphs J & K..

62 As the following table drawn from EU data illustrates, the KBC leaned toward the incumbent president far harder than any commercial station, even those said to be pro-government, devoting over 70% of its coverage to the PNU coalition:

Outlet	Percentage of Airtime Allocated by Party			
	PNU	ODM	ODM-K	others
Government-run				
KBC Radio	76%	13%	5%	6%
KBC TV	71%	11%	5%	13%
Commercial				
Citizen FM Radio	45%	29%	12%	14%
Easy FM Radio	52%	34%	12%	--
Kiss FM Radio	44%	43%	--	--
KTN TV	46%	39%	12%	--
NTV TV	50%	28%	17%	--
Citizen TV	56%	29%	11%	--

(European Union Election Observation Mission, “Kenya Final Report.”)

63 European Union Election Observation Mission, “Kenya Final Report,” 25.

64 Interview: Anthony Wafula

against the government. And I believe this is not true...We are not under pressure in how we frame our stories... They do not influence us in any way.”

The prospect for balanced state-run media during Somaliland’s election is unlikely. Somaliland’s government has a monopoly over in-country radio broadcasting. While Radio Hargeysa’s coverage extends only around the capital, the state-run television, Somaliland National Television (SLNTV), has greater reach. The potential for the government to distort news coverage for political ends is high and opposition leaders and supporters already claim that SLNTV gives the opposition little positive coverage and invites on talk show guests who make personal attacks on opposition figures. Our informational flows research indicates that Radio Hargeysa is widely seen as being the mouthpiece of the Somaliland government and ruling party.

In many respects this pro-government angle has provoked anger and further polarized the political space. During the recent controversy over extension of President Riyale’s term in office, SLNTV ran a series of interviews which were uniformly critical of the opposition’s stance. According to the journalist Abdi-Fatah Eideed, a few opposition supporters responded by publically destroying their television sets.⁶⁵ And there is legitimate concern that in the case of disputed election results, an overtly biased government media would provoke violence.

Failure to allow the opposition access to the state media is difficult to justify when the last election was decided by just 80 votes. Somaliland’s state-run radio and television must set an example by working towards equal and balanced coverage of all parties. This will reduce tension and build confidence, not only in public broadcasting, but in the institutions of Somaliland’s hard-won democracy.

As of July 2009, a draft broadcasting law on access to state media, including the allocation of airtime and space to all political parties, has been crafted.⁶⁶ It has the support of parliament and all political parties. There are, however, serious questions as to whether there is the will or the capacity to implement such legislation. Despite complaints from the opposition

⁶⁵ Interview: Abdi-Fatah Eideed

⁶⁶ For a report on this meeting, please see: <http://pcmlp.socleg.ox.ac.uk/news/2009/somaliland-workshop-elections-and-media-report-now-available>.

regarding access to state-owned media, their electoral campaign has not pushed for reform. In addition, the government media regularly faces staffing and resource shortages, making much of its reporting and programming relatively ad hoc. Nevertheless, dialogue on the issue is of importance and at the very least, discussing the concerns regarding access to state media of political parties should be a priority and confidence-building measures to improve access should be attempted.

4. Conclusion and Recommendations

This report has outlined short-term media policy factors that affect the role of the media in exacerbating and resolving potential political disputes. Understandably, Kenya's media establishment is in a period of self-examination. Nevertheless, the media remains extremely important—so much so that a recent survey of Kenyans found that the media was the most trusted institution in the country, with 80 percent support.⁶⁷

We recognize the danger of self-fulfilling prophecies, but the reality is that just as Somaliland's pre-election period is proving exceptionally divisive and conflictual, there are strong indications to suggest that if the election is as close as predicted there will be challenges in the post-election period. Election disputes can occur in all countries, the controversial 2000 Florida recount being just one example. When such disputes arise, societies benefit from strong institutions that are able to intervene to resolve and mediate tensions. In the case of Kenya or Somaliland, where institutions are fragile and more politicized, or even deliberately weakened by politicians, the media often plays a crucial role in national mediation.

In many African countries, including Kenya and Somaliland, media development efforts tend to emphasize training in professionalism or election coverage, and the pre-election period is prioritized. Perhaps even more important, however, is the post-election period: how the incumbent and their competitors handle the results and how fair both the election process is as well as any potential dispute resolutions. There must be greater efforts to prepare the media for all eventualities. This entails several components, including policy planning, legal reform, raising awareness of the effects certain actions might have, plans to ensure media accountability and coordinating the responses of all actors. It is important that Somaliland stakeholders reach consensus on an approach to both regulating and facilitating the role of the media during the election period, particularly in the event of violence.

In the past, Somalilanders have demonstrated an exceptional ability to peacefully resolve disputes and diffuse violent conflict. The success of traditional leaders and local resolution

⁶⁷ Ayoti, "Report Shows High Public Trust in Media."

mechanisms should not be underestimated. Although such forms of governance are not unproblematic, their performance has made Somaliland a positive example for the many poorly governed countries across the continent, and in particular south-central Somalia. In the case of election disputes, resolutions which draw upon indigenous institutional resources undoubtedly present the best chance for resolving differences and maintaining peace. Recent events, as described in section 2, do suggest just how strained these institutions, such as the *Guurti*, or House of Elders, have become. Coupled with the crisis of the NEC involving international organizations such as Interpeace, and associated domestic groups such as the Academy for Peace and Development, the potential role for the media in dispute resolution is even more central.

However, just as violence is ultimately the result of complex historical processes and dynamics of power, the media's performance during an electoral period is dependent upon its historical development and power relations within the country. Despite the importance of a broader context, it is clear that leadership, both political and within the media sector, is crucial in averting violence. Media provide an outlet for propagating responsible political leadership and journalists are in a privileged position to advocate constructive resolutions.⁶⁸

The potential for journalists to urge peaceful solutions was apparent during the Kenyan crisis. On 3 January 2008, four days after the post-election violence commenced, Kenyan media came together with editorials and talk shows calling for peace. All Kenyan newspapers carried the same headline: "Save Our Beloved Country," while most TV stations displayed that message in an on-screen caption throughout the day. Macharia Gaitho of the Editor's Guild explains the rationale behind this:

For first time ever all the main media houses came together and decided to jointly call for peace. All the newspapers and the TV stations came up with similar page one headlines and editorials calling for peace. We also decided to give a lot of coverage to other groups calling for peace. ... We all recognized

⁶⁸ Media coverage in the period following the assassination of Chris Hani in South Africa provides an instructive example of the media's role in broadcasting strong political leadership. Hani, a leader of the African National Congress (ANC), was assassinated in 1993 sparking tensions that threatened to derail the delicate negotiations underway to end apartheid. There were serious concerns that civil war would erupt in South Africa, but Nelson Mandela dominated the airwaves, skillfully and successfully appealing for calm.

that you can't afford here to look through a narrow prism of who was right and who was wrong. We were in danger of civil war.⁶⁹

Despite the leadership displayed by the media sector, Kenya, however, has lacked political leadership that has been able to effectively negotiate the crisis. This could also be a potential challenge for Somaliland.

The following provides a brief set of recommendations that should be considered for media policy relating to elections in Somaliland, drawing on lessons from Kenya. Rather than allocate them to individual actors such as journalists, or the government, we present them as recommendations for all stakeholders. Given the levels of institutionalization and capacity, for any of these to be effective, they will require the cooperation and coordination of multiple parties.

Access to state media outlets

Ensure state broadcasters provide mutually agreed and acceptable access to political parties. In the case of disputes, the state broadcaster has a particular role in advancing reconciliation and encouraging peace. Even if it is unlikely that a law will be promulgated in time, the process of drafting it and the involvement of all stakeholders is a valuable exercise in dialogue and awareness-raising. It is far more important to have a document that might not be perfect but that has emerged from complex domestic negotiations rather than an ideal template drafted by an external actor.

Inter-media dialogue

Dialogue within the media and between outlets should be encouraged. This will help to reduce polarization and facilitates the media's role as a space for elite negotiation. Given that much of the power lies with the government, they must take a leading role in this area by responding to criticisms leveled at them within the media, answering questions posed by journalists from media outlets that might be aligned with other

⁶⁹ Interview: Macharia Gaitho

political parties, and showing extra sensitivity regarding statements that might further polarize the media environment.

Partisanship and endorsements

The question of whether newspapers should endorse candidates or parties should be addressed at an early stage. At the very least, journalists and media owners should be aware of the complexities of this issue as elaborated in this report.

Release of public opinion results

Public opinion polling organizations, the government and media should seriously consider how to report and predict outcomes of elections, recognizing the potential of predictions to raise expectations and inflame violence. Issues to consider include not reporting polling within a pre-determined period prior to the elections, or publicizing the methodology of polling or the fact that polling results may swing significantly days before the election.

Announcement of election results

A process for announcing election results should be discussed and agreed upon prior to the election along with procedures for its implementation.

Live broadcasts of violence

If the live broadcast of violence, either via radio or television, is to be restricted, the arguments for doing so must be made explicitly clear and complemented by a clear strategy for addressing grievances. This should be discussed with all stakeholders prior to the elections. Comprehensive media monitoring should serve to provide warning signs and should certainly be a part of any regulation process. Additional attention should be given to the coverage by the media ensuring that propaganda is not provocative by distorting reality, framing coverage in such a way to provoke

other political parties and their supporters. This most often applies to state-run media.

SMS and rumours

Media regulation has not been adapted to the latest advances in technology. Special consideration must be given to the role of SMS in spreading rumours. If necessary, policies on monitoring originators of messages of incitement should be considered and discussed with private companies. Monitoring and decisions (if necessary) must be carried out by an independent committee or institution.

Media policies and liberalization of the airwaves

Given the fragility of states such as Somaliland, and the role of vernacular radios in Kenya, special consideration needs to be given to the role of private radio stations. Professionalism is certainly a major problem but there are deeper questions of ownership and political-economic agendas that warrant careful consideration. There may be an internal and/or external push for the marketplace of ideas but liberalizing media space does not necessarily lend itself to a flowering and mix of voices that is always conducive to peace and state/nationbuilding. Extensive dialogue and consultations with all stakeholders and citizens (including perceptions and polling research) should direct media policies in this area.

Media monitoring

Media monitoring mechanisms should be put in place prior to the election. Ideally this would be carried out by a university or other independent research institution. Government-owned media would be monitored for access and all media would be monitored for hate speech or incitement.

Codes of conduct

Codes of conduct that are common for journalists during the pre-election and voting periods should give significant attention to the post-election period as well, in particular how journalists cover disputes and violence. This is often neglected. Codes of conduct are important but all sides must be realistic about the difficulty of

actually enforcing or implementing them. This was certainly a challenge in Kenya. Nevertheless, attention should be given to the process of drafting the code, as the process itself can be even more important than the code in terms of raising awareness, deepening understanding of the issues at hand and developing consensus among all stakeholders about the role of the media.

While it is a more time consuming exercise, rather than starting with a template version, one way of drafting this document is by having an “author” visit all stakeholders- government, political parties, journalists, etc., and ask them what they think should be covered and offer issues to be included. This would allow an array of “authors” a sense of ownership and would raise awareness. The final draft would then be discussed and negotiated during an inclusive meeting.

Sensitization about hate speech

In some cases, such as Kenya and Somaliland, laws and definitions of hate speech are muddled. It is unlikely that they will be clarified before the coming elections. However, a dialogue about hate speech, what it might include and how thinly-veiled references to violence can also constitute hate speech is important. Recognizing that most media are partisan in the countries we are discussing, considering how “the other side” might perceive a message is an important component of sensitizing stakeholders to what may be perceived as provocative or hate speech.

These are the factors we see as most important and relevant for Somaliland. Readers should not take this as an exhaustive list; there are certainly others that should be considered for elections in other countries where the media system and access to technology may be significantly different. Blogs, for example, played a role in Ethiopia’s post-election tensions and were shut down by the government while Twitter has been central to post-election protests in Iran.

We have also only touched upon the role of other media or communication outlets such as mosques or *qat* houses.⁷⁰ These are also important mechanisms for communication in Somaliland. Messages from Imams are regarded as particularly reliable while *qat* houses have a role in shaping opinions and making policy, especially among elites. Our focus on selected media outlets and a few major considerations is not meant to underestimate the impact and effectiveness of these other channels. We expect that disaggregating issues, as outlined above, can help to define more nuanced responses and policies.

It is not the media itself that cause violence or to prevent it. Politicians are well-versed in the impact the media can have on politics. In testimony before Kenya's Commission of Inquiry into Post-Election Violence, Chairman of the Kenya Editors' Guild, Macharia Gaitho, reminded his listeners of the reality journalists faced during the election crisis:

People were talking about going to war, people were talking openly about resisting and a civil war and all those kinds of things. Some of those statements from very senior political leaders may have slipped through but I would say 90 percent of them were caught before they were aired or published....We are seeing a situation where politicians create a problem, politicians promote violence, politicians incite the people and then when things do not go their way they start to blame the media.⁷¹

As emphasized at the outset, election-related violence and the role of the media in the violence is undoubtedly the product of historical and power relations. Rather than focusing on normative arguments, it is necessary to be realistic about the root causes of violence and specific about techniques to improve the media's ability to respond. In addition, as we have emphasized in this report, process and the legitimacy of institutions is a central issue, both of which can be intentionally weakened by the executive in an effort to consolidate political power. Media assistance efforts are usually driven by tangible outputs but when there are weak institutions and limited capacity the process itself, for example of drafting a code of conduct for journalists, is of critical importance. The challenge for all media outlets is how the media can be harnessed for nation-building rather than partisan politics and violence.

⁷⁰ *Qat* houses are spaces, often in homes, where Somali's meet to chew the mild narcotic, qat leaves.

⁷¹ "Report of the Findings of the Commission of Inquiry into Post-Election Violence."

Appendix I: Information on Somaliland Information Flows Research Project

This report is part of a larger project PCMLP, CGCS and the Stanhope Centre are undertaking on flows of information in Somaliland. We have recently conducted extensive research on media use and information flows across the country focusing on the major cities including Boroma, Hargeysa, Erigavo and Burco. Hundreds of interviews were conducted along with a number of focus groups. This report has drawn on some of this data.

During the course of this research, we have received a number of requests from journalists and others and have put together a team to draft a code of conduct for journalists in the election period, with a focus on the post-election period, as well as legislation for the allocation of broadcasting time. To date, this aspect of the project has served the important function of promoting dialogue and discussion of these issues and flagging their importance as a crucial, but often overlooked, part of the election process.

Interviews Conducted in Kenya

Macharia Gaitho, chairman of the Kenya Editors' Guild, and a columnist for *The Nation* newspaper

Steve Gatheru, Chief Information Officer, Kenya News Agency

Yusuf Hassan, BBC Somali Service

Wambui Kai, Director, University of Nairobi School of Journalism and Mass Communication

George Kegoro, Secretary to the Commission of Inquiry into Post Election Violence, Law Society of Kenya, International Committee of Jurists

Sammy Kimani, reporter for Radio Sauti Ya Mwananchi

Simon "Simon Ben" Mbugua Njoroge, reporter for Radio Citizen in the Rift Valley.

Samuel Muhunyu, director of Necofa Kenya, an NGO working on sustainable agriculture in rural Kenya in the Rift Valley

Ezekiel Mutua, Information Director for the Kenyan Government, a former secretary-general of the Kenya Union of Journalists

Ruth Nesoba, BBC World Service, Nairobi Bureau

Simon Mwangi Ngure, reporter/correspondent for Royal Media in the Rift Valley (Nakuru)

Alex Ndegwa, reporter for *The Standard* newspaper

Edwin Ngure Nyutho, lecturer in School of Journalism, University of Nairobi

Mitch Odero, Director of Regional Media and Peace Institute. Former president of Media Council

Fred Oluoch, Political Analyst with *The East African*, a regional weekly published by the Nation Media Group (NMG)

Peter Oriare, lecturer, School of Journalism, University of Nairobi

George Sayagie, Nation stringer from Molo in the Rift Valley

Anthony Wafula, Radio Programmes Manager, Kenya Broadcasting Corporation (KBC)

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